

December 2, 2009 Status Report on the Recommendations from the Report of the Task Force on the Future for Growth and Development - Recommendations for which MDE is Lead Agency

R-43 - Phase II of the Nutrient Trading Policy

The Advisory Committee, including representatives from the Maryland Departments of Agriculture, the Environment, and Planning, the Interstate Commission on the Potomac River Basin, the World Resources Institute, the Chesapeake Bay Foundation and nutrient brokers, met on November 9, 2009, to discuss progress on the development of the Phase II Non-Point Source Trading guidelines. Work is continuing to combine a national trading tool developed by the Natural Resources Conservation Service with a Maryland-specific tool for the web-based trading calculations and market. The trading tool is expected to be final by the beginning of July, 2010.

R-44 - Septic System Disparity

The recommendation to eliminate the septic system disparity was partially addressed during the 2009 General Assembly by the Chesapeake Bay Nitrogen Reduction Act of 2009 (SB 554), which mandated that new and replacement on site sewage disposal systems in the Critical Area utilize nitrogen-reduction technology. Under the Governor's leadership, the partners in the Bay Cleanup have adopted 2-Year Milestones for nutrient reductions. For Maryland, these include achieving septic retrofits of 3,000 systems, with priority on upgrades to systems in the Chesapeake and Coastal Bays Critical Area. To the extent money is available from the Bay Restoration Fund, MDE will help homeowners pay for the upgraded systems. However, as part of the 2-Year Milestone process, Maryland also identified a series of contingencies. These were identified for two purposes: for implementation should we fall short of the State's collective 2011 nutrient reduction goals, and as an initial list of actions for consideration for Maryland's next set of 2-Year Milestones to be implemented in 2012 – 2013. With respect to septic systems, the contingencies are: require all new and failing septic systems statewide to be replaced with best available technology; require 1:1 or 2:1 best available technology septic system offsets for all new septic systems statewide.

R-45 - Ground Water Allocation

The SB 674 Workgroup continues to meet and discuss how to implement the 2008 bill that allows MDE to give priority in appropriations of groundwater to certain municipal PFAs in Carroll, Frederick and Washington Counties. Significant progress has been made toward reaching consensus on an approach, but the group is struggling with the details.

R-46 - Water Reuse Standards

Changes to the regulations will soon be submitted to the AELR Committee, the last step before publishing the proposed regulations in the Maryland Register. Conforming changes have been drafted for the Guidance Manual. The changes,

if adopted, will allow for and encourage the use of highly treated wastewater effluent (Class III effluent) for irrigation of public access areas, including parks, playgrounds, school yards, cemeteries, highway landscaping and other green open spaces. Irrigation of Class III effluent onto public access areas will reduce the nutrient load to surface water. The wastewater treatment plant might sell the resulting nutrient credits or use them to increase flow capacity. The work group will continue to work on development of a second phase of regulations to address "purple pipe" reclaimed water reuse issues.

R-47 - Review Climate Action Plan

The lead State agencies have submitted implementation plans for all the climate measures in Maryland's Climate Action Plan to MDE. MDE is in the process of finalizing the annual report to the Governor's office and General Assembly. This report will include the implementation plans, and will become public before the end of the year.